

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MATTHEW ORSO AS SUCCESSOR
TRUSTEE TO KENNETH D. BELL IN
HIS CAPACITY AS COURT-
APPOINTED RECEIVER FOR REX
VENTURE GROUP, LLC,

Case No. 8:21-mc-77-WFJ-AEP

Plaintiff,

v.

WILLIAM JUAN,

Defendant.

ORDER

This matter comes before the Court on Nationwide Judgment Recovery, Inc.'s ("Nationwide") Motion for Issuance of Continuing Writ of Garnishment against American Care, Inc. (Doc. 22).¹ A judgment in the amount of \$12,591.24 was entered in the underlying action on August 14, 2017 in the District Court for the Western District of North Carolina, Charlotte Division, which was subsequently registered in the District Court for the Middle District of Florida on April 28, 2021 (Doc. 1). *See* 28 U.S.C. § 1963. According to Nationwide, the judgment, plus post-judgment interest, remains unsatisfied. Nationwide believes that Defendant is not in possession of tangible property on which a levy can be made

¹ Plaintiff Matthew E. Orso, in his capacity as court-appointed successor receiver for Rex Venture Group, LLC d/b/a ZEEKREWARDS.COM assigned to Nationwide the judgment entered against Defendant (Doc. 21).

sufficient to satisfy the judgment. Upon receipt of recent information, however, Nationwide believes Garnishee American Care, Inc. is the employer of Defendant and therefore possesses salary or wages belonging to Defendant, which may be applied to the balance owed on the judgment. By the instant motion, Nationwide now requests that the Court issue a writ of continuing garnishment directed to Garnishee American Care, Inc. to recover on the outstanding judgment.

Pursuant to Rule 69, Federal Rules of Civil Procedure, the Court must follow state law regarding execution of a judgment. Fed. R. Civ. P. 69(a)(1). In Florida, a person who has recovered a judgment in any court has a right to a writ of garnishment. Fla. Stat. § 77.01. Under Florida Statutes § 77.0305, “if salary or wages are to be garnished to satisfy a judgment, the court shall issue a continuing writ of garnishment to the judgment debtor’s employer which provides for the periodic payment of a portion of the salary or wages of the judgment debtor as the salary or wages become due until the judgment is satisfied or until otherwise provided by court order.” As Nationwide has recovered a judgment against Defendant, which remains outstanding, the Court may enforce the judgment through a writ of continuing garnishment pursuant to Florida law. *See Ainbinder v. Hingson*, Case No. 8:18-mc-54-T-33JSS, 2018 WL 6605247, at *1 (M.D. Fla. July 23, 2018). Accordingly, it is hereby

ORDERED:

1. Nationwide’s Motion for Issuance of Continuing Writ of Garnishment against American Care, Inc. (Doc. 22) is GRANTED.

2. The Clerk is hereby directed to issue a Writ of Continuing Garnishment upon the Garnishee American Care, Inc.

3. As Defendant William Juan is an individual, the Clerk is hereby directed to attach the required notice to Defendant Alba Moreno pursuant to Florida Statutes § 77.041(1) to the writ of garnishment.

DONE AND ORDERED in Tampa, Florida, on this 26th day of April, 2022.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of Record